IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14358 of 2004

Between:

Y.V. Ramana,

S/o Ramu Naidu, aged 39 years, License Holder of M/s Bhavani Wines,

R/o: Kundram village, Anakapalli Mandal, Visakhapatnam District.

..... PETITIONER

AND

1. The Prohibition & Excise Superintendent,

   Visakhapatnam.

2. Station House Officer, Prohibition & Excise,

   Anakapalli village and Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not renewing the petitioner's license of M/s Bhavani Wines, Kundram village, Anakapali Mandal, Visakhapatnam District in Form No.IL/24 for a period of two months from 01-08-2004 to 30-09-2004 by accepting the license fee as illegal and arbitrary and consequently direct the respondents herein to permit the petitioner to do his lawful business of M/s Bhavani Wines, Kundram village, Anakapalli Mandal, Visakhapatnam District in Form No.IL/24.

Counsel for the petitioner: Mr. T. Bheemsen.

Counsel for the respondents: G.P. for Prohibition and Excise.

The Court, at the admission stage, made the following:

ORDER:

The petitioner claims to be the licensee for sale of Indian liquor and foreign liquor. The license in Form 24 under the provisions of the A.P. Indian Liquor & Foreign Liquor Rules, 1970, was granted in favour of one Senapathi Gangunaidu, who was said to be the partner of the petitioner, vide license No.626/98-99 dated 03-04-1998. The said license was renewed from year to year and the last renewal being for the year 2003-2004. It is stated that the said Senapathi Gangunaidu made a representation dated 06-03-2004 before the Prohibition and Excise Superintendent, Visakhapatnam-first respondent herein, requesting to transfer the license in favour of the petitioner, and by virtue of the orders dated 19-03-2004 transferring the license in favour of the petitioner, the petitioner has been carrying on business. It appears that thereafter the said Gangunaidu raised a dispute as to the transfer of licence in favour of the petitioner and an enquiry is pending before the 1st respondent. Be that as it may, the license is admittedly valid up to 31-07-2004. The petitioner states that

he is entitled for automatic renewal of the license on payment of the prescribed fees. He further states that the Government has also taken a policy decision for renewal of the licenses for another two months up to 30-09-2004 on payment of required license fees. Accordingly on 30-07-2004, the petitioner filed an application before the second respondent with all the relevant documents together with challan for Rs.50,000/- towards license fee for a period of two months. He also made a representation before the Commissioner. The grievance of the petitioner is that the 1st respondent failed to consider his request for renewal without there being any justifiable reason. Hence, the present writ petition seeking a declaration that the action of the respondents in not renewing the license of the petitioner for a period of two months is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Since the petitioner/licensee states that he made the necessary application seeking renewal, it is for the licensing authority to consider the same in accordance with law and if for any reason he is not entitled for renewal the reasons shall be communicated to him. In the circumstances, without expressing any opinion with regard to the entitlement of the petitioner for renewal of license, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the application dated 30-07-2004 made by the petitioner requesting renewal of his license and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No order as to costs.

13-08-2004

Note:

Office to furnish C.C. by Monday.

B/o

ghn

To

1. The Prohibition & Excise Superintendent,
Visakhapatnam.

2. The Station House Officer, Prohibition & Excise,
Anakapalli village and Mandal, Visakhapatnam District.

3. Two CCs to the G.P. for Prohibition and Excise, High Court
of A.P., Hyderabad.(o.u.t.)

4. Two CD copies